

SPECIAL MEETING

November 27, 1995

The Special Meeting of the Annapolis City Council was held on November 27 , 1995 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:00 p.m.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

Staff Present: City Attorney Goetzke, Public Works Director Patmore

Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-509(c)(2), this statement is included in these minutes:

A closed session of the City Council was held at 6:00 p.m., Monday, November 27, 1995 in the City Council Chamber.

Members Present: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, Moyer, City Attorney Goetzke, and City Clerk Bembe.

The authority under which the session was closed was Maryland Annotated Code, State Government Article, Sections 10-508(a)(7) and (8). The purpose of the meeting was to consult with counsel to obtain legal advice and to consult with staff, consultants, or other individuals about pending or potential litigation. The following action was taken:

(1) City of Annapolis v. Joseph L. Cardinale & Sons, Inc. and Fidelity and Deposit Company of Maryland

The Council authorized the City Attorney to proceed as discussed in the Closed Session.

(2) Naval Academy Sewer Matter

The Council authorized the City Attorney to proceed as discussed in the Closed Session.

(3) City ownership of below-ground rights-of-way

Alderman Turner recused himself due to a possible conflict of interest. City Attorney Goetzke gave a status report.

PUBLIC HEARINGS

1. Application of William George Patton for a conditional use to expand an existing restaurant/bar trading as Patton's Pub on property located at 400-408 Fourth Street, Annapolis.

Deputy Planning and Zoning Director Arason presented a background report on the application.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 10/25/95, and a Memorandum with attachments from Eileen P. Fogarty to the Planning Commission dated 10/12/95.

The applicant, George Patton, 751 Cedar Drive, Severna Park, Md. 21146, spoke briefly and answered questions addressed by the Aldermen.

Speaking in favor of the application:

Louise Beauregard
2 Maryland Avenue
Annapolis, Md. 21401

No one else from the general public spoke in favor of or in opposition to the application.

Mayor Hopkins declared the public hearing closed.

Mayor Hopkins announced there would be a seven day comment period and a seven day reply period for this application with action to be taken at the December 11, 1995 meeting.

2. Petition of Tate Investments Joint Venture, Mericare Associates Limited Partnership and Anne-Marie Austin, to consider the annexation to the City of Annapolis of a parcel of ground containing 12.85 acres, more or less, lying on or near Bembe Beach Road, contiguous to the present boundary line of the City, as that boundary line now exists.

Deputy Planning and Zoning Director Arason presented a background report on the application.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 11/2/95, and a Memorandum with attachments from Eileen P. Fogarty to the Planning Commission dated 11/17/95.

Anthony F. Christhilf, 124 South Street, Annapolis, attorney for the applicant, proffered the testimony of Christopher N. Willits, President, Mericare Associates Limited Partnership, John Berry, architect, D'Aleo, Inc. and Pierce O'Doherty, landscape architect, Graham Landscape Architecture. Mr. Willits answered questions addressed by the Council.

Mayor Hopkins entered into the record the following documents submitted by Mr. Christhilf:

Exhibit No. 1:	Certification of Publication;
Exhibit No. 2:	Letter of application;
Exhibit No. 3:	Petition for Annexation;
Exhibit No. 3A:	Survey plat for annexation;
Exhibit No. 3B:	Metes and bounds description for proposed boundary realignment;
Exhibit No. 3C:	List of property owners within 500 feet of property boundaries;
Exhibit No. 4:	Economic advantages of annexation;
Exhibit No. 5:	Letter of 11/2/95 - re: agreed fees;
Exhibit No. 6:	Preliminary site plan.

Speaking in opposition to the application:

1. Steven R. Cover, Director
Department of Planning and Code Enforcement
Anne Arundel County
2664 Riva Road
Annapolis, Md. 21401
2. Tony Evans
3 Constitution Square
Annapolis, Md. 21401

3. Honore W. Sutor, Esquire
 Smith, Somerville and Case
 100 Light Street
 Baltimore, Md. 21202-1084
 Representing Bembe Beach Association
4. Aestop Modley, President
 Annapolis Neck Peninsula Federation
 87 Tarragon Lane
 Edgewater, Md. 21037

No one else from the general public spoke in favor of or in opposition to the application.

Mayor Hopkins declared the public hearing closed with action to be taken at the December 11, 1995 meeting.

3. **Petition of G.W. Koch Associates, Gerta H. Munz and Eva Purdy, to consider the annexation to the City of Annapolis of a parcel of ground containing 33.597 acres, more or less, lying on or near Harness Creek View Road, contiguous to the present boundary line of the City, as that boundary line now exists.**

Deputy Planning and Zoning Director Arason presented a background report on the application.

Planning Commission Vice Chair Scott presented the Commission's findings.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 11/2/95, and a Memorandum with attachments from Eileen P. Fogarty to the Planning Commission dated 11/17/95.

Alan J. Hyatt, 1919 West Street, Annapolis, attorney for the applicant, spoke briefly and proffered the testimony of Gary W. Koch, President, G.W. Koch Associates. Gary Westholm, real estate appraiser, Powell and Westholm, 2661 Riva Road, Annapolis, spoke briefly.

Mr. Hyatt amended the Petition of G.W. Koch Associates, Gerta H. Munz and Eva Purdy as follows:

1. Reduce the total acreage proposed to be annexed from 33.597 acres to approximately 27.65 acres;
2. Withdraw Parcels C and D from the original Annexation Petition; and
3. On page 7, line 5 of the original Annexation Petition, delete "\$1.23 per \$100 of assessed value" and substitute "\$1.73 per \$100 of assessed value".

Mayor Hopkins entered into the record the following documents submitted by Mr. Hyatt:

- | | |
|----------------|--|
| Exhibit No. 1: | Koch Homes marketing booklet; |
| Exhibit No. 2: | Annexation exhibit; |
| Exhibit No. 3: | 49 lot site plan; |
| Exhibit No. 4: | Agreement between G.W. Koch Associates, Inc. and Wayne L. Rogers and Gerta H. Munz dated 11/27/95; |
| Exhibit No. 5: | Two photographs of the Notice of Hearing posted by 11/11/95; |
| Exhibit No. 6: | Report of Gary T. Westholm dated 11/27/95; |
| Exhibit No. 7: | Location map; |
| Exhibit No. 8: | Anne Arundel County 1986 Land Use Plan, General Development Plan. |

Speaking in favor of the application:

1. Charles Schaller
Hunt Meadows Homeowners Association
314 Riding Ridge Road
Annapolis, Md. 21401

Speaking in opposition to the application:

1. Steven R. Cover, Director
Department of Planning and Code Enforcement
Anne Arundel County
2664 Riva Road
Annapolis, Md. 21401

Alderman Johnson presided over the meeting from 10:10 p.m. to 10:14 p.m.

2. Aestop Modley, President
Annapolis Neck Peninsula Federation
87 Tarragon Lane
Edgewater, Md. 21037
3. Anne Marie Dammeyer
758 Taliaferro Road
Annapolis, Md. 21401
4. Jim Apgar
1506 Hunting Wood Road
Annapolis, Md. 21401
5. Pat Fiedler
1503 Hunting Wood Road
Annapolis, Md. 21401

Ms. Fiedler submitted a Petition to Oppose Annexation.

6. Claire Apgar
1506 Hunting Wood Road
Annapolis, Md. 21401
7. Stephen T. Kuch
P.O. Box 6113
Annapolis, Md. 21401

No one else from the general public spoke in favor of or in opposition to the application.

Mayor Hopkins declared the public hearing closed with action to be taken at the December 11, 1995 meeting.

4. **O-92-94** For the purpose of amending the provisions governing the continuance and expansion of legally nonconforming uses; regulating the bulk of accessory structures; and amending the boundaries for the Residential Conservation Overlay District; and all matters relating to said District.

Due to the lateness of the hour, Mayor Hopkins declared the public hearing on O-92-94 continued to December 4, 1995 at 7:00 p.m.

5. **R-44-95** For the purpose of urging the Maryland General Assembly to oppose the establishment of casino gambling in Maryland; and all matters relating to said opposition.

Due to the lateness of the hour, Mayor Hopkins declared the public hearing on R-44-95 continued to December 4, 1995 at 7:00 p.m.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 11:00 p.m.

**Patricia L. Bembe, CMC/AAE
City Clerk**